THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.10700 OF 2005

Between:

Nammi Pentayya and others

…petitioners

Vs.

The Government of A.P. rep. By its Secretary, Industries and Commerce Department, Secretariat, Hyderabad and others

…Respondents

THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.10700 OF 2005

ORAL ORDER

The writ petition is hopelessly misconceived. At the oral hearing the learned counsel Sri P.Venkatarama Sarma representing Dr.P.B.Vijaya Kumar, the learned counsel for the petitioners, states and reiterates the pleadings that as the lands of the petitioners were acquired in 1966 for establishment of the Industrial Development Area and Central Sector Industrial Projects but the said purpose has not been achieved and since the lands continue to be in possession of the petitioners, a mandamus be issued to the respondents to restore lawful possession of the lands to the petitioners by re-conveyance. It is admitted that not only has the due process of acquisition under the provisions of the Land Acquisition Act, 1894, been followed but an award has also been passed and compensation amount has also been paid to the petitioners and drawn by them in respect of their lands acquired. The title to these lands has therefore admittedly inhered in the State on a complete acquisition process. The petitioners have therefore been lawfully divested of their title to the lands.

It is well settled that even if the notified purpose for the acquisition of lands by the State has not been fulfilled, once an acquisition process is complete the State is entitled to employ the land so acquired for any other public purpose. The petitioners' do not either plead, assert or demonstrate that the State has no public purpose whatsoever to sub serve in respect of these lands, nor is it alleged or demonstrated that the State has employed these lands for any purpose other than a public purpose.

In the aforesaid circumstances, the claim of the petitioners and the relief sought by them has no legal basis. The writ petition is misconceived and is accordingly dismissed. In the circumstances there shall be no order as to costs.

GODA RAGHURAM,J

6th AUGUST 2007
*TSNR